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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Dockets
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18 FEB 1993

IN REPLY REFER TO:

92-266

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CN9300431

RECEIVED

FEB 25 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Honorable Phil Gramm
United States Senator
2323 Bryan Street, Suite 1500
Dallas, TX 75201

Dear Senator Gramm:

Thank you for your letter on behalf of Dan Mooney, Councilmember, City of Denison, Texas. Your constituent submits comments in MM Docket 92-266 concerning cable television rates.

Your constituent's letter will be placed in the record of this proceeding so that the Commission can be mindful of his concerns during its deliberations.

Sincerely,

Roy J. Stewart

Roy J. Stewart
Chief, Mass Media Bureau

Enclosures

5

Congressional

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM
02/08/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9300431	02/08/93	02/02/93	02/19/93 25	
TITLE	MEMBERS NAME	REPLY FOR SIG OF		
Senator	Phil Gramm	BC		

CONSTITUENT'S NAME	SUBJECT
Dan Mooney	inq. re: rate regulation & 92 Cable Act

REF TO	REF TO	REF TO	REF TO
MMB	PtR	Enf/C&I	
DATE	DATE	DATE	DATE
02/08/93	2-8-93	2-10	

REMARKS: reply atn: Georg'a Brown of the Dallas, TX office

8 FEB REC'D

Phil Gramm
Texas

United States Senate

MMB
catv-rates
431

MEMORANDUM

Date: 2/2/93

Federal Communications Commission
Office of Congressional Affairs
1919 "M" Street, NW
Washington, D.C. 20554

A constituent has sent the enclosed communication. A response which addressed his/her concerns would be appreciated.

Please send you response, together with the constituent's correspondence, to the following address:

Office of Senator Phil Gramm
2323 Bryan Street, Suite 1500
Dallas, Texas 75201

Attention: Georg'a Brown



CITY OF DENISON

108 West Main Street
P.O. Box 347
Denison, Texas 75021-0347
(903) 465-2720

January 25, 1993

Via Federal Express

Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: MM Docket 92-266

To The Commission:

In response to the Federal Communications Commission solicitation for comments contained in the Commissioner's Notice of Proposed Rule Making adopted December 10, 1992, please accept these comments. I am currently a duly elected City Councilmember of the City of Denison, Texas, and I believe that the City Council will opt to seek certification to regulate the rates of its cable television franchisee, Post-Newsweek Cable Company.


At II.A.IV, NPRM you state the basic question, "Whether the purpose and terms of the Cable Act embody a congressional intent that our rules produce rates generally lower than those in effect when the Cable Act of 1992 was enacted (and if so, to what degree), or, rather a congressional intent that regulatory standards serve primarily as a check on prospective rate increase?" Given the widespread programming changes in the form of re-tiering cable services and rate increases occurring now before the Commission promulgates its rules, the only congressional intent that can now be served is the second part of your query.

The consumer protection interests which were to be served by the Act (as reflected in its title) are being frustrated, if not eliminated, by the practice of cable companies such as Post-Newsweek. Furthermore, when such cable companies restructure their programming so as to eliminate from the basic service (for which the local regulatory authority negotiated through the franchise) everything but "over the air" channels and public access, there is very little remaining over which the local authority can regulate.

Additionally, the Commission's proposed "benchmark" method for basic rate control is not sound. Ratemaking should be based on the cost of providing the service which varies from state to state, region to region. Benchmarking will only serve to increase costs for those areas and municipalities that, even during deregulation, remained diligent in monitoring the service provider and insisting upon restraint in rate increases.

Finally, I urge the FCC to require that every provider of cable service return to the status quo of October, 1992 to the extent that the provider used the 180 days from enactment to promulgation of the rules to evade the regulatory effects of the Act and its rules. Any other result is to reward those who seek to evade the Act.

Respectfully submitted,


Dan Mooney
Councilmember
Place 5

DM/nj

cc: Hon. Al Gore, Vice President
Hon. Phil Gramm
Hon. Bob Krueger
Hon. Ralph Hall
Hon. Ben Munson, Mayor
City Council Members
Mr. Larry Cruise, City Manager
Mr. Bruce Abbott, Post-Newsweek Cable
Mr. Harvey Boyd, Post-Newsweek Cable